

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

FINDEISEN, M.  
Witte, Weller & Partner  
Postfach 10 54 02  
70047 Stuttgart  
ALLEMAGNE

**WITTE, WELLER & PARTNER**  
PATENTANWÄLTE

26. Sep. 2007

Frist:

notiert:

**IMPORTANT NOTIFICATION**

Date of mailing (day/month/year) 20 September 2007 (20.09.2007)	
Applicant's or agent's file reference 1043P066WO	
International application No. PCT/EP2006/001325	International filing date (day/month/year) 14 February 2006 (14.02.2006)
Applicant AICURIS GMBH & CO. KG et al	

**1. Transmittal of the translation to the applicant.**

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

**2. Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, LY, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NG, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Ellen Moyse

Facsimile No. +41 22 338 82 70

e-mail: pt05.pct@wipo.int

## PATENT COOPERATION TREATY

## PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 1043P066WO	FOR FURTHER ACTION	See item 4 below
International application No. PCT/EP2006/001325	International filing date ( <i>day/month/year</i> ) 14 February 2006 (14.02.2006)	Priority date ( <i>day/month/year</i> ) 23 February 2005 (23.02.2005)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant AICURIS GMBH & CO. KG		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Box No. I   | Basis of the report   |
| <input type="checkbox"/> Box No. II             | Priority  |
| <input checked="" type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/> Box No. IV             | Lack of unity of invention  |
| <input checked="" type="checkbox"/> Box No. V   | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> Box No. VI  | Certain documents cited   |
| <input type="checkbox"/> Box No. VII            | Certain defects in the international application  |
| <input type="checkbox"/> Box No. VIII           | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70	Date of issuance of this report 11 September 2007 (11.09.2007)
	Authorized officer  Ellen Moyse  e-mail: pt05.pct@wipo.int

# PATENT COOPERATION TREATY

TRANSLATION

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference  
**1043P066WO**

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/EP2006/001325**

International filing date (day/month/year)  
**14.02.2006**

Priority date (day/month/year)  
**23.02.2005**

International Patent Classification (IPC) or both national classification and IPC  
**C07D401/12 C07D233/90 A61K31/4178 A61K31/4164 A61P31/12**

Applicant  
**AICURIS GMBH & CO. KG**

**1. This opinion contains indications relating to the following items:**

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input checked="" type="checkbox"/> | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA/EP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2006/001325

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:  
☒ the international application in the language in which it was filed  
☐ the translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ on paper  
☐ in electronic form
  - c. time of filing/furnishing  
☐ contained in the international application as filed  
☐ filed together with the international application in electronic form  
☐ furnished subsequently to this Authority for the purposes of search
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2006/001325

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations:

Reference is made to the following documents:

D1: WO 2004/052852 A (BAYER HEALTHCARE AG; ZIMMERMANN, HOLGER; BRUECKNER, DAVID; HEIMBACH, D) 24 June 2004 (2004-06-24)

D2: CHAIMBAULT C ET AL: "SYNTHESIS, ANTITUMOUR AND ANTI-HIV SCREENING OF OXAZOLIDINES AND OXAZOLIDINONES DERIVATIVES" PHARMACY AND PHARMACOLOGY COMMUNICATIONS, LONDON, GB, vol. 5, 3, March 1999 (1999-03), pages 211-215, XP009026199 ISSN: 1460-8081

D3: WO 98/52558 A (BAYER CORPORATION; RANGES, GERALD; SCOTT, WILLIAM; BOMBARA, MICHAEL; R) 26 November 1998 (1998-11-26)

Documents D1-D3 disclose antiviral agents having a phenylurea moiety. The products of the formula (I) according to the application differ in several ways, for example by the central imidazole ring, which replaces pyrrole and oxazolidine rings. Since all claims have this distinguishing feature, the novelty requirements of PCT Article 33(2) are satisfied.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2006/001325

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

Products 3a and 3b from document D2 are considered to be the closest prior art owing to their structural closeness to the products (I) according to the application. These products which have been described as antiviral agents differ from the imidazole derivatives, essentially by the central oxazolidine ring. Further differences arise from the "linker" to the piperidine group, which does not have a carbonyl group. The objective technical problem is considered that of providing further antiviral agents. The tested products in table A of the description demonstrate that the problem has been solved. The solution in the form of the distinguishing features mentioned is not considered to be obvious because the prior art does not give any clue to the exchangeability of the central ring system. Neither in D2 nor in the remaining documents cited is such a modification indicated. The present claims therefore appear to involve an inventive step under PCT Article 33(3).

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2006/001325

Box No. VI

Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No.  
Patent No.

Publication date  
(day/month/year)

Filing date  
(day/month/year)

Priority date (valid claim)  
(day/month/year)

2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure

Date of non-written disclosure  
(day/month/year)

Date of written disclosure  
referring to non-written disclosure  
(day/month/year)

see form 210

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2006/001325

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box VI

The International Patent Application (D4 =  
WO 2005/092865 A, BAYER HEALTHCARE AG; ZIMMERMANN,  
HOLGER; BRUECKNER, DAVID; HEIMBACH, D, 2005-10-06) was  
published between the priority date and filing date of  
the present application. The agents described as  
antiviral agents, which differ in the substituent NR7R8  
from group R1 according to the application, are not  
included in the prior art as defined in the PCT.  
Consequently no further account has been taken of D4 in  
the establishment of this opinion.